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Trial Attorney

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**3 UNITED STATES DEPARTMENT OF JUSTICE**

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United States Trustee

## 8 UNITED STATES BANKRUPTCY COURT

## 9 EASTERN DISTRICT OF CALIFORNIA

## 10 FRESNO DIVISION

11 In re:

12 GEORGE MANUEL SOUSA,

13 Debtors.

Case No. 15-11734-B-13  
14 Chapter 13

UST-001

15 TRACY HOPE DAVIS,  
16 United States Trustee,

17 Plaintiff,

18 GEORGE MANUEL SOUSA,

19 Defendants.

A.P. No. 15-1062

DATE: July 23, 2015  
TIME: 1:30 p.m.  
PLACE: United States Courthouse  
Department B, Courtroom 12  
2500 Tulare Street, Fifth Floor  
Fresno, California

20 Judge: W. Richard Lee

21 **DECLARATION OF ROBIN TUBESING IN SUPPORT OF  
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

22 I, Robin Tubesing, hereby declare:

23 1. I am a Trial Attorney employed by the United States Department of Justice, Office of  
24 the United States Trustee, in Fresno, California, and the attorney of record for the United States  
25 Trustee in this matter. I am duly admitted to practice before this court. This declaration is based  
26 upon facts of which I have personal knowledge, as well as judicially-noticeable facts, such as  
27 filing dates, apparent from the court's records in this proceeding. This declaration is made in my  
28

1 official capacity as a representative of the United States Trustee without waiving the attorney  
2 client privilege or work product privilege.

3       2. I reviewed the Bankruptcy Court's docket and related pleadings in the above-  
4 captioned case as well as the prior cases.  
5

6       3. The Defendant is not an infant or incompetent persons or in the military service within  
7 the meaning of the Soldiers' and Sailors' Relief Act of 1940, 50 U.S.C. App. § 50, et. seq.

8       **Case No. 1 (05-12409-B-7):**

9       4. The Defendant and his wife, Melinda Ann Sousa, filed a Chapter 7 bankruptcy  
10 voluntary petition on March 30, 2005. *See Voluntary Petition from Case No. 1 filed concurrently*  
11 *as Exhibit 1.*  
12

13       5. The Defendant and Melinda Ann Sousa were granted a discharge on September 7,  
14 2005. *See discharge order from Case No. 1 filed concurrently as Exhibit 2.*  
15

16       6. This was not an abusive filing.  
17

18       **Case No. 2 (14-15605-B-13):**

19       7. The Defendant filed a "skeletal" *pro se* Chapter 13 bankruptcy voluntary petition on  
20 November 19, 2014. *See Voluntary Petition from Case No. 2 filed concurrently as Exhibit 3.*  
21

22       8. The case was dismissed on December 9, 2014, for failure to file documents. *See*  
23 *dismissal order from Case No. 2 filed concurrently as Exhibit 4.*  
24

25       9. The Defendant did not disclose his prior filing on the voluntary petition. *See Exhibit*  
26 *3.*  
27

28       **Case No. 3 (15-10108-B-13):**

29       10. The Defendant filed a "skeletal" *pro se* Chapter 13 bankruptcy voluntary petition on  
30 January 15, 2015. *See Voluntary Petition from Case No. 3 filed concurrently as Exhibit 5.*  
31

1       11. The case was dismissed on February 2, 2015, for failure to file documents. *See*  
2 *dismissal order from Case No. 3 filed concurrently as Exhibit 6.*

3       12. The Defendant indicated a prior bankruptcy filed on October 17, 2014, on his  
4 voluntary petition, but did not provide the case number. The Defendant has no prior filings that  
5 correspond with that date and did not disclose his actual prior filings. *See Exhibit 5.*

6       **Case No. 4 (15-10668-A-13):**

7       13. Melinda Ann Sousa filed a “skeletal” *pro se* Chapter 13 bankruptcy voluntary  
8 petition on February 25, 2015. *See Voluntary Petition from Case No. 4 filed concurrently as*  
9 *Exhibit 7.*

10       14. The case was dismissed on March 16, 2015, for failure to file documents. *See*  
11 *dismissal order from Case No. 4 filed concurrently as Exhibit 8.*

12       15. Melinda Ann Sousa did not disclose any prior filings on her voluntary petition. *See*  
13 *Exhibit 7.*

14       **Case No. 5 (15-11374-B-13):**

15       16. The Defendant and Melinda Ann Sousa filed a “skeletal” *pro se* Chapter 13  
16 bankruptcy voluntary petition on April 13, 2015. *See Voluntary Petition from Case No. 5 filed*  
17 *concurrently as Exhibit 9.*

18       17. The case was dismissed on April 24, 2015, for failure to file documents. *See*  
19 *dismissal order from Case No. 5 filed concurrently as Exhibit 10.*

20       18. The Defendant did not disclose any prior filings on his voluntary petition. *See*  
21 *Exhibit 9.*

22       **Current Case (15-11734-B-13):**

23       19. The Defendant filed a *pro se* Chapter 13 bankruptcy voluntary petition on April 30,  
24 2015. *See Voluntary Petition from Current Case filed concurrently as Exhibit 11.*

20. The Defendant did not disclose any prior filings on the voluntary petition. *See Exhibit 11.*

21. On June 19, 2015, the Chapter 13 Trustee filed a motion to dismiss the case for:

- 1) Unreasonable delay by the Debtor that is prejudicial to creditors;
  - 2) Failure to appear at the scheduled 341 Meeting of Creditors;
  - 3) Failure to provide financial documents;
  - 4) Failure to file complete and accurate schedules; and
  - 5) Failure to file a complete plan.

A hearing on the matter is set for July 9, 2015. *See Chapter 13 Trustee's motion to dismiss filed in Current Case filed concurrently as Exhibit 12.*

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 25, 2015, at Fresno, California.

By: /s/ Robin Tubesing  
Robin Tubesing

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